

CHRISTOPHER CHIOU  
Acting United States Attorney  
District of Nevada  
Nevada Bar No. 14853

DANIEL P. TALBERT, SBN OH 0084088  
Special Assistant United States Attorney  
160 Spear Street, Suite 800  
San Francisco, California 94105  
Telephone: (510) 970-4860  
Facsimile: (415) 744-0134  
E-Mail: Daniel.Talbert@ssa.gov

Attorneys for Defendant

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DONALD AMBROSE MOODY,  
Plaintiff,  
v.  
ANDREW SAUL,  
Commissioner of Social Security,  
Defendant.

Case No.: 2:21-cv-01057-VCF

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME  
(FIRST REQUEST)**

Defendant, the Commissioner of Social Security (the “Commissioner”), through the undersigned counsel, hereby requests an extension of time to file his Cross-Motion to Affirm and Response to Plaintiff’s Motion for Reversal and/or Remand in this case. In support of this request, the Commissioner respectfully states as follows:

1. Primary responsibility for handling this case has been delegated to the Office of the Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).
2. Defendant’s response to Plaintiff’s opening brief is currently due February 23, 2022. Defendant has not previously requested an extension of time for this deadline.

1           3.       The Region IX Office currently handles all district and circuit court litigation involving  
2 the Social Security program arising in Arizona, California, Hawai'i, Nevada, and Guam.

3           4.       The Region IX Office employs 44 staff attorneys, of whom 30 are actively handling  
4 civil litigation involving the Social Security program in the eight assigned jurisdictions. Most of the  
5 attorneys who handle program litigation cases have additional responsibilities, such as litigating in  
6 other practice areas described below, acting as Jurisdictional leads, reviewing the work product of  
7 junior attorneys, conducting trainings, and participating in national workgroups. In addition, because  
8 of attorneys taking unexpected leave or resigning, the Region IX Office has had to re-assign dozens of  
9 cases and substitute in new counsel who have had to absorb these re-assigned cases into their existing  
10 caseloads.

11           5.       In addition to this "program" litigation, the Region IX Office provides a full range of  
12 legal services as counsel for the Social Security Administration, in a region that covers four states  
13 (including the most populous state in the nation) and three territories. These other workloads include  
14 employment litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on  
15 wide-ranging topics, including Regional office client requests for advice on program issues, employee  
16 conduct and performance, reasonable accommodation, hostile work environment, ethics, Privacy Act  
17 and disclosure, and torts. Because of the high volume of program litigation cases, the Region IX  
18 Office has had to focus its efforts on processing only other workloads that are subject to statutory,  
19 regulatory, and court deadlines.

20           6.       The undersigned attorney has nine briefs due in district court cases over the next thirty  
21 days, as well as an answering brief in a case before the United States Court of Appeals for the Ninth  
22 Circuit. The undersigned attorney is also responsible for reviewing the work of three new attorneys in  
23 the Region IX Office, and is responsible for reviewing an answering brief (drafted by another attorney  
24 in the Region IX Office) in a case before the Ninth Circuit.

25           7.       Due to the volume of the overall workload within the Region IX Office, neither the  
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undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete briefing by the current due date of February 23, 2022. Therefore, Defendant seeks an extension of 30 days, until March 25, 2022, to respond to Plaintiff's motion.

8. This request is made in good faith and is not intended to delay the proceedings in this matter.

9. On February 14, 2022, counsel for Defendant conferred with Plaintiff's counsel, who has no opposition to this motion.

WHEREFORE, Defendant requests until March 25, 2022, to respond to Plaintiff's Motion for Reversal and/or Remand.

Dated: February 14, 2022

Respectfully submitted,

CHRISTOPHER CHIOU  
Acting United States Attorney

/s/ Daniel P. Talbert  
DANIEL P. TALBERT  
Special Assistant United States Attorney

IT IS SO ORDERED:

  
\_\_\_\_\_  
HON. CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE

2-15-2022  
DATED: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **UNOPPOSED MOTION FOR EXTENSION OF TIME (*FIRST REQUEST*)** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Hal Taylor  
[haltaylorlawyer@gbis.com](mailto:haltaylorlawyer@gbis.com)

Attorney for Plaintiff

Dated: February 14, 2022

/s/ Daniel P. Talbert  
DANIEL P. TALBERT  
Special Assistant United States Attorney